

27795. Misbranding of honey. U. S. v. 26 Cartons of Honey (and one other seizure action against the same product). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 40047 to 40050, incl. Sample Nos. 50768-C to 50771-C, incl., 51129-C.)

This product was short of the declared weight.

On August 9 and August 12, 1937, the United States attorneys for the Western District of Washington and the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 26 cartons of honey at Seattle, Wash., and 266 cases of honey at Spokane, Wash., alleging that the article had been shipped in interstate commerce by R. D. Bradshaw & Sons from Wendell, Idaho, in various shipments on or about February 27, April 20, and July 28, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Bradshaw's Clover Blossom Honey Net Weight 9 Lbs. [or "5 Lbs" or "1 Lb"] * * * R. D. Bradshaw & Sons * * * Wendell, Ida." The remainder was labeled: (Jar) "Bradshaw's Pure Honey Net Wt. 17 Oz. Wendell, Idaho."

The article was alleged to be misbranded in that the statements of the weight declared on the labels, namely, "Net Weight 9 Lbs. [or "5 Lbs," "1 Lb.," or "17 Oz.]," were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 2 and September 7, 1937, R. D. Bradshaw having appeared as claimant on behalf of R. D. Bradshaw & Sons, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27796. Adulteration and misbranding of punch. U. S. v. 4 Cases, et al., of Punch. Default decree of condemnation and destruction. (F. & D. Nos. 40054, 40055. Sample Nos. 20948-C to 20952-C, incl., 20955-C, to 20959-C, incl.)

These products were all misbranded because the labels failed to bear a plain and conspicuous statement of the quantity of contents. With the exception of the lemon and lime and the orange types, all were adulterated because they were mixed and colored in a manner whereby inferiority was concealed; and were misbranded because of the prominence of the name and the obscure declaration of imitation fruit flavor, fruit acid, and certified color which was printed vertically at one side.

On August 11, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 41 cases of punch at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about June 17 and July 15, 1937, by the Roma Extract Co., Inc., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Roma Punch [or "Three Star Punch"] * * * Imitation Fruit Flavor, Sugar Syrup, Fruit Acid, and Certified Color Roma Extract Co. Inc., Boston, Mass." Certain types were labeled further: "Cherry" [or "Raspberry," "Strawberry," or "Grape"] Flavor."

The cherry, raspberry, strawberry, and grape varieties were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The said varieties were alleged to be misbranded in that the statements, "Punch Cherry Flavor," "Punch Raspberry Flavor," "Punch Strawberry Flavor," and "Punch Grape Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored and flavored acid solutions; and the misleading impression conveyed by the name, which was prominently displayed on the principal panel, was not corrected by the obscure declaration of imitation fruit flavor, fruit acid, and certified color. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry, grape, cherry, and raspberry flavors. The libels charged that the said varieties were misbranded further and that the lemon and lime and orange types also were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.